

105TH CONGRESS
2D Session

S. 1677

AMENDMENTS

In the House of Representatives, U. S.,

October 10, 1998.

Resolved, That the bill from the Senate (S. 1677) entitled “An Act to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Wetlands and Wildlife*
3 *Enhancement Act of 1998”.*

4 ***SEC. 2. REAUTHORIZATION OF NORTH AMERICAN***
5 ***WETLANDS CONSERVATION ACT.***

6 *Section 7(c) of the North American Wetlands Con-*
7 *servation Act (16 U.S.C. 4406(c)) is amended by striking*
8 *“not to exceed” and all that follows and inserting “not to*
9 *exceed \$30,000,000 for each of fiscal years 1999 through*
10 *2003.”.*

11 ***SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR***
12 ***WILDLIFE ACT.***

13 *Section 7105(h) of the Partnerships for Wildlife Act*
14 *(16 U.S.C. 3744(h)) is amended by striking “for each of*

1 *fiscal years” and all that follows and inserting “not to ex-*
 2 *ceed \$6,250,000 for each of fiscal years 1999 through*
 3 *2003.”.*

4 **SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS**
 5 **CONSERVATION COUNCIL.**

6 *(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D)*
 7 *of the North American Wetlands Conservation Act (16*
 8 *U.S.C. 4403(a)(1)(D)), during the period of 1999 through*
 9 *2002, the membership of the North American Wetlands Con-*
 10 *servation Council under section 4(a)(1)(D) of that Act shall*
 11 *consist of—*

12 *(1) 1 individual who shall be the Group Man-*
 13 *ager for Conservation Programs of Ducks Unlimited,*
 14 *Inc., and who shall serve for 1 term of 3 years begin-*
 15 *ning in 1999; and*

16 *(2) 2 individuals who shall be appointed by the*
 17 *Secretary of the Interior in accordance with section*
 18 *4 of that Act and who shall represent an organization*
 19 *described in section 4(a)(1)(D) of that Act.*

20 *(b) PUBLICATION OF POLICY.—Not later than June 30,*
 21 *1999, the Secretary of the Interior shall publish in the Fed-*
 22 *eral Register, after notice and opportunity for public com-*
 23 *ment, a policy for making appointments under section*
 24 *4(a)(1)(D) of the North American Wetlands Conservation*
 25 *Act (16 U.S.C. 4403(a)(1)(D)).*

1 **SEC. 5. MIGRATORY BIRD TREATY ACT AMENDMENTS.**

2 (a) *ELIMINATING STRICT LIABILITY FOR BAITING.*—

3 *Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704)*

4 *is amended—*

5 (1) *by inserting “(a)” after “SEC. 3.”; and*

6 (2) *by adding at the end the following:*

7 “(b) *It shall be unlawful for any person to—*

8 “(1) *take any migratory game bird by the aid of*

9 *baiting, or on or over any baited area, if the person*

10 *knows or reasonably should know that the area is a*

11 *baited area; or*

12 “(2) *place or direct the placement of bait on or*

13 *adjacent to an area for the purpose of causing, induc-*

14 *ing, or allowing any person to take or attempt to take*

15 *any migratory game bird by the aid of baiting on or*

16 *over the baited area.”.*

17 (b) *CRIMINAL PENALTIES.*—*Section 6 of the Migratory*

18 *Bird Treaty Act (16 U.S.C. 707) is amended—*

19 (1) *in subsection (a), by striking “\$500” and in-*

20 *serting “\$15,000”; and*

21 (2) *by redesignating subsection (c) as subsection*

22 *(d); and*

23 (3) *by inserting after subsection (b) the follow-*

24 *ing:*

1 “(c) Whoever violates section 3(b)(2) shall be fined
2 under title 18, United States Code, imprisoned not more
3 than 1 year, or both.”.

4 (c) *STUDY ON EFFECT ON MIGRATORY BIRD CON-*
5 *SERVATION AND LAW ENFORCEMENT EFFORTS.*—

6 (1) *STUDY.*—*The Secretary of the Interior shall*
7 *conduct a study of the effect of the amendments made*
8 *by this section on migratory bird conservation and*
9 *law enforcement efforts under the Migratory Bird*
10 *Treaty Act (16 U.S.C. 701 et seq.).*

11 (2) *REPORT.*—*Not later than 5 years after the*
12 *date of enactment of this Act, the Secretary of the In-*
13 *terior shall submit to the Congress a report on the re-*
14 *sults of the study under paragraph (1).*

15 **SEC. 6. REAUTHORIZATION AND AMENDMENT OF RHINOC-**
16 **EROS AND TIGER CONSERVATION ACT OF**
17 **1994.**

18 (a) *PURPOSES OF THE ACT.*—*Section 3 of the Rhinoc-*
19 *eros and Tiger Conservation Act of 1994 (16 U.S.C. 5302)*
20 *is amended by adding at the end the following:*

21 “(3) *To prohibit the sale, importation, and ex-*
22 *portation of products intended for human consump-*
23 *tion or application containing, or labeled or adver-*
24 *tised as containing, any substance derived from any*
25 *species of rhinoceros or tiger.*”.

1 (b) *DEFINITION OF PERSON.*—Section 4 of the Rhinoc-
 2 eros and Tiger Conservation Act of 1994 (16 U.S.C. 5303)
 3 is amended—

4 (1) in paragraph (4), by striking “and” at the
 5 end;

6 (2) in paragraph (5), by striking the period at
 7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(6) ‘person’ means—

10 “(A) an individual, corporation, partner-
 11 ship, trust, association, or other private entity;

12 “(B) an officer, employee, agent, depart-
 13 ment, or instrumentality of—

14 “(i) the Federal Government;

15 “(ii) any State, municipality, or polit-
 16 ical subdivision of a State; or

17 “(iii) any foreign government;

18 “(C) a State, municipality, or political sub-
 19 division of a State; or

20 “(D) any other entity subject to the juris-
 21 diction of the United States.”.

22 (c) *PROHIBITION ON SALE, IMPORTATION, OR EXPOR-*
 23 *TATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER*
 24 *PRODUCTS.*—The Rhinoceros and Tiger Conservation Act
 25 of 1994 (16 U.S.C. 5301 et seq.) is amended—

1 (1) *by redesignating section 7 as section 9; and*

2 (2) *by inserting after section 6 the following:*

3 **“SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPOR-**
 4 **TATION OF PRODUCTS LABELED AS RHINOC-**
 5 **EROS OR TIGER PRODUCTS.**

6 “(a) *PROHIBITION.*—A person shall not sell, import,
 7 *or export, or attempt to sell, import, or export, any product,*
 8 *item, or substance intended for human consumption or ap-*
 9 *plication containing, or labeled or advertised as containing,*
 10 *any substance derived from any species of rhinoceros or*
 11 *tiger.*

12 “(b) *PENALTIES.*—

13 “(1) *CRIMINAL PENALTY.*—A person engaged in
 14 *business as an importer, exporter, or distributor that*
 15 *knowingly violates subsection (a) shall be fined under*
 16 *title 18, United States Code, imprisoned not more*
 17 *than 6 months, or both.*

18 “(2) *CIVIL PENALTIES.*—

19 “(A) *IN GENERAL.*—A person that know-
 20 *ingly violates subsection (a), and a person en-*
 21 *gaged in business as an importer, exporter, or*
 22 *distributor that violates subsection (a), may be*
 23 *assessed a civil penalty by the Secretary of not*
 24 *more than \$12,000 for each violation.*

1 “(B) *MANNER OF ASSESSMENT AND COL-*
 2 *LECTION.—A civil penalty under this paragraph*
 3 *shall be assessed, and may be collected, in the*
 4 *manner in which a civil penalty under the En-*
 5 *dangered Species Act of 1973 may be assessed*
 6 *and collected under section 11(a) of that Act (16*
 7 *U.S.C. 1540(a)).*

8 “(c) *PRODUCTS, ITEMS, AND SUBSTANCES.—Any*
 9 *product, item, or substance sold, imported, or exported, or*
 10 *attempted to be sold, imported, or exported, in violation of*
 11 *this section or any regulation issued under this section shall*
 12 *be subject to seizure and forfeiture to the United States.*

13 “(d) *REGULATIONS.—After consultation with the Sec-*
 14 *retary of the Treasury, the Secretary of Health and Human*
 15 *Services, and the United States Trade Representative, the*
 16 *Secretary shall issue such regulations as are appropriate*
 17 *to carry out this section.*

18 “(e) *ENFORCEMENT.—The Secretary, the Secretary of*
 19 *the Treasury, and the Secretary of the department in which*
 20 *the Coast Guard is operating shall enforce this section in*
 21 *the manner in which the Secretaries carry out enforcement*
 22 *activities under section 11(e) of the Endangered Species Act*
 23 *of 1973 (16 U.S.C. 1540(e)).*

24 “(f) *USE OF PENALTY AMOUNTS.—Amounts received*
 25 *as penalties, fines, or forfeiture of property under this sec-*

tion shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).”.

(d) *EDUCATIONAL OUTREACH PROGRAM.*—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), as amended by subsection (c), is further amended by inserting after section 7 the following:

“SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

“(a) *IN GENERAL.*—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

“(b) *GUIDELINES.*—The Secretary shall publish in the Federal Register guidelines for the program.

“(c) *CONTENTS.*—Under the program, the Secretary shall publish and disseminate information regarding—

“(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled as containing, their parts;

“(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

“(3) the status of rhinoceros and tiger species and the reasons for protecting the species.”.

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section 9
 2 of the *Rhinoceros and Tiger Conservation Act of 1994* (16
 3 U.S.C. 5306), as redesignated by subsection (c) of this sec-
 4 tion, is amended by striking “1996, 1997, 1998, 1999, and
 5 2000” and inserting “1996 through 2002”.

6 **SEC. 7. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE**
 7 **AND FISH REFUGE.**

8 (a) *IN GENERAL.*—In accordance with section 4(a)(5)
 9 of the *National Wildlife Refuge System Administration Act*
 10 of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to
 11 the Corps of Engineers, without reimbursement, approxi-
 12 mately 37.36 acres of land of the Upper Mississippi River
 13 Wildlife and Fish Refuge in the State of Minnesota, as des-
 14 ignated on the map entitled “Upper Mississippi National
 15 Wildlife and Fish Refuge lands transferred to Corps of En-
 16 gineers”, dated January 1998, and available, with accom-
 17 panying legal descriptions of the land, for inspection in ap-
 18 propriate offices of the United States Fish and Wildlife
 19 Service.

20 (b) *CONFORMING AMENDMENTS.*—The first section and
 21 section 2 of the *Upper Mississippi River Wild Life and Fish*
 22 *Refuge Act* (16 U.S.C. 721, 722) are amended by striking
 23 “Upper Mississippi River Wild Life and Fish Refuge” each
 24 place it appears and inserting “Upper Mississippi River
 25 National Wildlife and Fish Refuge”.

1 **SEC. 8. KILLCOHOOK COORDINATION AREA.**

2 (a) *IN GENERAL.*—*In accordance with section 4(a)(5)*
 3 *of the National Wildlife Refuge System Administration Act*
 4 *of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the*
 5 *United States Fish and Wildlife Service over approximately*
 6 *1,439.26 acres of land in the States of New Jersey and Dela-*
 7 *ware, known as the “Killcohook Coordination Area”, as es-*
 8 *tablished by Executive Order No. 6582, issued February 3,*
 9 *1934, and Executive Order No. 8648, issued January 23,*
 10 *1941, is terminated.*

11 (b) *EXECUTIVE ORDERS.*—*Executive Order No. 6582,*
 12 *issued February 3, 1934, and Executive Order No. 8648,*
 13 *issued January 23, 1941, are revoked.*

14 **SEC. 9. LAKE ELSIE NATIONAL WILDLIFE REFUGE.**

15 (a) *IN GENERAL.*—*In accordance with section 4(a)(5)*
 16 *of the National Wildlife Refuge System Administration Act*
 17 *of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the*
 18 *United States Fish and Wildlife Service over approximately*
 19 *634.7 acres of land and water in Richland County, North*
 20 *Dakota, known as the “Lake Elsie National Wildlife Ref-*
 21 *uge”, as established by Executive Order No. 8152, issued*
 22 *June 12, 1939, is terminated.*

23 (b) *EXECUTIVE ORDER.*—*Executive Order No. 8152,*
 24 *issued June 12, 1939, is revoked.*

1 **SEC. 10. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.**

2 Section 28 of the Act of August 13, 1954 (25 U.S.C.
3 564w-1), is amended in subsections (f) and (g) by striking
4 “Klamath Forest National Wildlife Refuge” each place it
5 appears and inserting “Klamath Marsh National Wildlife
6 Refuge”.

7 **SEC. 11. VIOLATION OF NATIONAL WILDLIFE REFUGE SYS-**
8 **TEM ADMINISTRATION ACT.**

9 Section 4 of the National Wildlife Refuge System Ad-
10 ministration Act of 1966 (16 U.S.C. 668dd) is amended—

11 (1) in the first sentence of subsection (c), by
12 striking “knowingly”; and

13 (2) in subsection (f)—

14 (A) by striking “(f) Any” and inserting the
15 following:

16 “(f) *PENALTIES.*—

17 “(1) *KNOWING VIOLATIONS.*—Any”;

18 (B) by inserting “knowingly” after “who”;

19 and

20 (C) by adding at the end the following:

21 “(2) *OTHER VIOLATIONS.*—Any person who oth-
22 erwise violates or fails to comply with any of the pro-
23 visions of this Act (including a regulation issued
24 under this Act) shall be fined under title 18, United
25 States Code, or imprisoned not more than 180 days,
26 or both.”.

1 **SEC. 12. USE OF PROCEEDS OF CERTAIN SALES.**

2 (a) *PURPOSES.*—*The purposes of this section are to*
 3 *make proceeds from sales of abandoned items derived from*
 4 *fish, wildlife, and plants available to the Service and to*
 5 *authorize the use of those proceeds to cover costs incurred*
 6 *in shipping, storing, and disposing of those items.*

7 (b) *USE OF PROCEEDS.*—*Section 3(c) of the Fish and*
 8 *Wildlife Improvement Act of 1978 (16 U.S.C. 742l(c)) is*
 9 *amended—*

10 (1) *by striking “Notwithstanding” and inserting*
 11 *the following:*

12 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
 13 *notwithstanding”; and*

14 (2) *by adding at the end the following:*

15 “(2) *PROHIBITION ON SALE OF CERTAIN*
 16 *ITEMS.*—*In carrying out paragraph (1), the Secretary*
 17 *of the Interior and the Secretary of Commerce may*
 18 *not sell any species of fish, wildlife, or plants, or de-*
 19 *rivative thereof, for which the sale is prohibited by*
 20 *another Federal law.”.*

21 “(3) *USE OF REVENUES.*—*The Secretary of the*
 22 *Interior and the Secretary of Commerce may each ex-*
 23 *pend any revenues received from the disposal of items*
 24 *under paragraph (1), and all sums referred to in the*
 25 *first sentence of section 11(d) of the Endangered Spe-*
 26 *cies Act of 1973 (16 U.S.C. 1540(d)) and the first*

1 *sentence of section 6(d) of the Lacey Act Amendments*
2 *of 1981 (16 U.S.C. 3375(d))—*

3 “(A) *to make payments in accordance with*
4 *those sections; and*

5 “(B) *to pay costs associated with—*

6 “(i) *shipping items referred to in*
7 *paragraph (1) to and from the place of stor-*
8 *age, sale, or temporary or final disposal, in-*
9 *cluding temporary or permanent loan;*

10 “(ii) *storage of the items, including in-*
11 *ventory of, and security for, the items;*

12 “(iii) *appraisal of the items;*

13 “(iv) *sale or other disposal of the items*
14 *in accordance with applicable law, includ-*
15 *ing auctioneer commissions and related ex-*
16 *penses;*

17 “(v) *payment of any valid liens or*
18 *other encumbrances on the items and pay-*
19 *ment for other measures required to clear*
20 *title to the items; and*

21 “(vi) *in the case of the Secretary of the*
22 *Interior only, processing and shipping of*
23 *eagles and other migratory birds, and parts*
24 *of migratory birds, for Native American re-*
25 *ligious purposes.”.*

Amend the title so as to read: “An Act to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, and for other purposes.”.

Attest:

Clerk.